

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DEMOCRACY NORTH CAROLINA, THE
LEAGUE OF WOMEN VOTERS OF NORTH
CAROLINA, DONNA PERMAR, JOHN P.
CLARK, MARGARET B. CATES, LELIA
BENTLEY, REGINA WHITNEY EDWARDS,
ROBERT K. PRIDDY II, WALTER
HUTCHINS, AND SUSAN SCHAFER,

Plaintiffs,

vs.

THE NORTH CAROLINA STATE BOARD OF
ELECTIONS; DAMON CIRCOSTA, in his
official capacity as CHAIR OF THE
STATE BOARD OF ELECTIONS; STELLA
ANDERSON, in her official capacity
as SECRETARY OF THE STATE BOARD OF
ELECTIONS; KEN RAYMOND, in his
official capacity as MEMBER OF THE
STATE BOARD OF ELECTIONS; JEFF
CARMON III, in his official
capacity as MEMBER OF THE STATE
BOARD OF ELECTIONS; DAVID C. BLACK,
in his official capacity as MEMBER
OF THE STATE BOARD OF ELECTIONS;
KAREN BRINSON BELL, in her official
capacity as EXECUTIVE DIRECTOR OF
THE STATE BOARD OF ELECTIONS; THE
NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION; J. ERIC BOYETTE, in
his official capacity as
TRANSPORTATION SECRETARY; THE NORTH
CAROLINA DEPARTMENT OF HEALTH AND
HUMAN SERVICES; MANDY COHEN, in her
official capacity as SECRETARY OF
HEALTH AND HUMAN SERVICES,

Civil Action

No. 20-cv-457

Defendants,

PHILIP E. BERGER, in his official capacity as PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE;
TIMOTHY K. MOORE, in his official capacity as SPEAKER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES,

Defendant-Intervenors.

PLAINTIFFS' NOTICE OF WITHDRAWAL IN PART OF AMENDED MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs have requested relief, through their June 18, 2020, Amended Motion for a Preliminary Injunction, to protect their right to vote in the upcoming General Election given the continued threat posed by Covid-19. Doc. 31. In the Amended Motion, Plaintiffs assert, *inter alia*, that North Carolina election laws violate the U.S. Constitution and federal statutes due to restrictions on who is allowed to assist voters in requesting absentee ballots.

Plaintiff Walter Hutchins, who is legally blind and lives in a nursing home, filed a declaration in support of Plaintiffs' Motion for Preliminary Injunction dated June 4, 2020. Hutchins Decl., Doc 11-09 ("Hutchins Declaration"). Plaintiffs will not rely on the words "request and" in the

third sentence of paragraph 8, and the second through fourth sentences of paragraph 10 of the Hutchins Declaration. A redline of the Hutchins Declaration reflecting these changes is attached as Exhibit 1. Plaintiffs further will withdraw portions of their Amended Motion for a Preliminary Injunction that sought relief for Plaintiff Hutchins in connection with restrictions on who may assist voters in requesting absentee ballots (*i.e.*, portions of the Amended Motion that concern: a cure procedure for Plaintiff Hutchins regarding absentee ballot request forms only (Counts One and Four) and restrictions applicable to Plaintiff Hutchins on assistance with absentee ballot request forms only (Count Nine)).

Dated: July 8, 2020.

Respectfully submitted,

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